

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

DONALD RAY LOGSDON, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 21-CV-252-JFH-JAR
)	
DORIS CRAWFORD,)	
)	
Defendant.)	

**DEFENDANT’S RESPONSE IN OPPOSITION TO
PLAINTIFF’S MOTION/NOTICE SEEKING SANCTIONS**

Defendant Doris Crawford, by and through counsel of record, submits this Response in Opposition to Plaintiff’s Motion/Notice Seeking Sanctions [Dkt. 131]. In response and opposition to Plaintiff’s requested relief, Defendant states as follows:

PROCEDURAL BACKGROUND

Plaintiff Donald Ray Logsdon, Jr., is a *pro se* litigant, representing himself in this civil action without the assistance of an attorney. On April 14, 2023, U.S. Marshals Service served counsel for Defendant Crawford with a Subpoena purportedly in accord with the provisions of Rule 45, Federal Rules of Civil Procedure. [Dkt. 116]. The Subpoena seeks documents that, by their nature, are otherwise discoverable under Rule 34. The deadline to respond to the Subpoena was within 30 days after service, May 14, 2023. On April 28, 2023, the undersigned timely filed a Motion to Quash Plaintiff’s Subpoena *Duces Tecum* objecting to the validity of Plaintiff’s Subpoena. [See Dkt. 120]. On May 4, 2023, Plaintiff filed a Motion with the Court seeking sanctions against the undersigned for “failure to comply with the instructions on the Subpoena filed by Plaintiff in March to Defendant’s Attorneys requesting complete discovery. [Dkt. 121]. Presumably, it is from this Motion at Dkt. 121 that Plaintiff files this ambiguously titled pleading.

For the reasons below, Defendant Doris Crawford requests this Court dismiss Plaintiff's Motion/Notice Seeking Sanctions [Dkt. 131].

I. PLAINTIFF'S PLEADING IS PREMATURE AS A NOTICE AND DUPLICATE TO A PENDING MOTION AND MUST BE DISMISSED

Plaintiff titles his pleading "Motion/Notice." [Dkt. 131]. Presumably, this is Plaintiff's notice to Court of a matter under advisement for more than ninety (90) days. LCvR 7.1(l) provides:

[i]n the event any matter, including but not limited to a motion or decision in a bench trial, has been under advisement or submitted for decision for a period of more than ninety (90) days, any party affected by the undecided matter may file a notice of matter under advisement particularly describing the matter under advisement and stating the date the matter was taken under advisement.

In his Notice, Plaintiff provides, "The deadline on this was May 15, 2023." Plaintiff is referring to his Subpoena served upon the undersigned on April 21, 2023 at Dkt. 116. By itself, Plaintiff's Subpoena does not require the Court's intervention. The only other pleading that is under advisement or submitted for decision regarding Plaintiff's Subpoena is his Motion Seeking Sanctions at Dkt. 121 filed on May 4, 2023. In which case, this matter has not been under advisement or pending this Court's decision for a period of more than ninety (90) days. Therefore, Plaintiff's Notice to the Court of Plaintiff's pending Motion Seeking Sanctions is premature under the Rules and should be dismissed. Further, Plaintiff makes a request for relief in his pleading requesting the Court "...sanction him to the fullest extent of the law, as he is an attorney and should know to follow Court Orders." [Dkt. 131]. This request for relief in the form of sanctions effectively presents a motion for sanctions to the Court. Plaintiff requests sanctions for the undersigned failing to comply with his Subpoena for documents. [See Dkt. 116].¹ This is Motion is a duplicate to Plaintiff's Motion Seeking Sanctions at Dkt. 121 and should be dismissed.

¹ The undersigned filed a Motion to Quash Plaintiff's Subpoena on April 28, 2023 at Dkt. 120.

WHEREFORE premises considered, Defendant Doris Crawford respectfully requests that this Court enter an order dismissing Plaintiff Donald Ray Logsdon, Jr.' Motion/Notice [Dkt. 131].

Respectfully submitted,

s/ Howard T. Morrow

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***ATTORNEYS FOR DEFENDANT
DORIS CRAWFORD***

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and served the attached document by U.S. Priority Mail, postage prepaid, to the following who is not registered participant of the ECF System:

DONALD RAY LOGSDON, JR., # 02255-509
FCI FORREST CITY LOW
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 9000
FORREST CITY, AR 72336

Pro Se Plaintiff

s/ Howard T. Morrow

Howard T. Morrow